IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

WP(C).No. 10094 of 2006(B)

PETITIONER:

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1. THE REGISTRAR OF BIRTH & DEATH,
   (THE HEALTH OFFICER,THRISSUR CORPORATION,THRISSUR)

2. THRISSUR CORPORATION,
   REPRESENTED BY SECRETARY, THRISSUR CORPORATION.

BY ADV. SRI.K.P.VIJAYAN
SRI.V.M.SYAM KUMAR
SMT.KRIPA ELIZABETH MATHEWS

RESPONDENTS:

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1. IRIN (MINOR), REPRESENTED BY FATHER
   JUSTIN, CHARAMMEL HOUSE, I.T.C. LINE,
   KACHERY P.O. KIZHAKKEKKOTTA, THRISSUR.

2. THE CONSUMER DISPUTES REDRESSAL FORUM,
   THRISSUR, REPRESENTED BY ITS PRESIDENT.

R1 BY ADV. JOBY JOSE KONDODY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2006, ALONG WITH WPC NO. 30127 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 10094 & 30127 OF 2006

Dated this the 20th day of November, 2006

JUDGMENT

In both the cases, the question is whether the local authority, namely, the Corporation or Panchayat, is bound to correct the name of the child in the Register of Births and Deaths maintained by the local authority after the parents make changes or rename the child and issue fresh birth certificate with the new name. The case of the applicants in both the cases is that name given to the child at the time of birth was not a permanent name and later when the child was admitted in the school, proper name was given which is entered in the School records. Since a different name is registered in the Register of Births and Deaths, they sought for change of name consistent with school records and demanded fresh certificate. In W.P.C.No. 10094 of 2006 respondents obtained orders from the CDRF in their favour against which Thrissur Corporation has come to this Court. In WPC 30127 of 2006, the Panchayat before which application is filed by the petitioner in that WPC has not even considered the same.

2. It is common knowledge that at the time of birth of a child, the parents may not have decided it's full and final name. The name given at the time of birth may be purely temporary and ad hoc. Since births are registered in the Register of Births and Deaths by local authority based on information from the hospital, the name entered in the register will obviously be the name as available in the hospital records. Nothing bars the parents from coining a proper name on a regular basis for the child which arises at the time of admission to the school. When application is filed for substituting new name of the child in the place of the name registered based on records of the hospital where the child is born, the same has to be necessarily granted if the local authority on enquiry is satisfied that the application is genuine and is relatable to the applicant's child registered with the local authority. In the circumstances I am unable to appreciate the technical objection raised by the Thrissur Corporation in declining to effect the change and issue certificate. The grievance of the Corporation that Consumer Disputes Redressal Forum has no authority to grant relief also cannot be appreciated. I feel the Corporation should not have dragged the party to the Consumer Forum on a silly matter like this, which led to the award with costs. In any case I feel one opportunity can be given to the

Corporation for correction by accepting the CDRF award by complying with it instead of dragging the party on trivial matter like this to this Court or in appeal to the State Commission.

In the circumstances, W.P.C. No. 10094 is allowed only to the extent of cancellation of compensation awarded by the CDRF against the Corporation, but with caution to the Secretary of the Corporation that if the above mistake is repeated and such cases reach this Court, he will pay heavy costs personally. Writ Petition is therefore disposed of with direction to the petitioner to make correction in the Birth Register to issue certificate of birth to the respondents with changed name within one week from the date of production of a copy of this judgment by the respondents. So far as WPC 30127 of 2006 is concerned, I do not think there is any necessity to issue notice to the third respondent because of the findings above. If the petitioner has made application for correction in the name and if it is proved that birth registered is that of the petitioner, then there will be direction to the third respondent to change the name of the petitioner in the birth Register maintained by the Panchayat and issue fresh certificate with new name within a week from the date of production of a copy of this judgment by the petitioner, ignoring the circular issued by the Director

of Births and Deaths, the validity of which need not be gone into by this Court now.

C.N.RAMACHANDRAN NAIR)
Judge